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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,972	08/09/2001	Giancarlo Bisazza	07881.0011	3149

7590 02/27/2003

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EXAMINER

HAWKINS, CHERYL N

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 02/27/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/924,972

Applicant(s)

BISAZZA ET AL.

Examiner

Cheryl N Hawkins

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 15-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of Group I, claims 1-14, in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the claims have been amended such that the method cannot be practiced by another materially different apparatus or by hand. This is not found persuasive because the apparatus as claimed can be used to practice another and materially different process such as a process in which a protective sheet material is fed and applied to a metal substrate. The applicant amended Claims 24 and 25, drawn to panels of mosaic glass having support sheets applied their visible faces, to be dependent upon Claim 1, drawn to an apparatus for applying support sheets to the visible faces of panels of mosaic glass. The Examiner notes that the inventions of Group I and Group III are still related as apparatus and product made and are therefore distinct as stated in the previous office action.

The requirement is still deemed proper and is therefore made FINAL.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Brinkmeier (US 3,899,385). Brinkmeier discloses an apparatus (Figure 1) which applies a sheet

Art Unit: 1734

(cutoff label Z) on a visible face of an advancing article (bags S) which includes feeding means (vacuum drum 1) and application means (applying roller 5) for applying the sheet cooperating with the feeding means of the article, the application means including cutting means (cross cutter 3 and 4) to cut to size a segment of the sheet and suction drum rotating means (applying roller 5, shaft 7, vacuum bores 22 and 23, axial manifold bores 25 and 26) to temporarily retain, on their outer cylindrical surface, the segment of sheet and to release the segment onto the article.

As to Claim 2, Brinkmeier discloses an apparatus in which the cutting means are able to act on the sheet when it is held on the outer surface of the suction drum means (Figure 1, cross cutter 3 and 4, applying roller 5).

As to Claim 3, Brinkmeier discloses an apparatus in which the sheet has a face equipped with gluing means and is able to wind on the suction drum means with its face without gluing means and for an angle such as to invert the direction of feed and present its face equipped with gluing means facing towards the article (Figure 1, label Z; column 5, line 35 through column 6, line 9).

As to Claim 5, Brinkmeier discloses an apparatus (Figure 1) in which the suction drum means (applying roller 5) includes a hollow drum equipped inside with means able to create a depression (column 5, lines 12-25) and with a plurality of holes (vacuum bores 22 and 23) on its cylindrical outer surface.

As to Claim 10, Brinkmeier discloses an apparatus (Figure 1) in which the sheet (cutoff label Z) is applied on the visible face of the article (bags S).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkmeier (US 3,899,385) as applied to claim 1 above, and further in view of Ahr (US 5,837,087). Brinkmeier does not disclose an apparatus including a pressure roller arranged downstream of the suction drum means. It is well known and conventional in the sheet material handling apparatus art, as disclosed by Ahr (Figure 1, pressure rollers 77), to use pressure rollers arranged downstream of application means to press the cut sheet onto the article thereby providing a firmer bond. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Brinkmeier to include a pressure roller arranged downstream of the suction drum means as suggested by Ahr to press the cut sheet onto the article thereby providing a firm bond.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkmeier (US 3,899,385) as applied to claim 1 above, and further in view of Ernst et al. (US 3,868,292). Brinkmeier discloses mechanical means for arranged inside the drum for retaining the sheet after cutting and releases the sheet in correspondence with the advancing article (column 4, line 65 through column 5, line 25; column 6, line 4-9), but is silent as to means for interrupting the suction to release the sheet. It is well known and conventional in the sheet

Art Unit: 1734

material handling apparatus art, as disclosed by Ernst et al. (column 3, lines 31-39), to provide means for interrupting the communication of the vacuum source to release the cut sheet so that it can be transferred by pressure to the article. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the application suction drum of Brinkmeier to include a zone in which means for interrupting the suction functions to release the sheet in correspondence with the advancing article.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkmeier (US 3,899,385) as applied to claim 3 above, and further in view of Heuser et al. (US 3,698,296), Talalay (US 4,504,336), and Du Fresne (US 2,931,751). Brinkmeier does not disclose an apparatus which includes means to deliver steam or nebulized water to reactivate glue on the sheet. It is well known and conventional in the labeling apparatus art, as disclosed by Heuser et al. (column 8, lines 59-66), that pressure-sensitive adhesive, solvent-activated adhesive, thermal-activated adhesives, and water-activated adhesives are often functionally equivalent. Talalay discloses a tab applying apparatus which includes an adhesive activator such as a hot water spray or a steam jet (column 14, lines 41-45). Du Fresne discloses a method for sealing a sheet material onto the surface of a tile which includes spray means for applying a bonding agent (Figure 2, sprayers 21). When utilizing the apparatus of Brinkmeier to apply sheet segments containing water-activated glue, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Brinkmeier to include means for delivering a steam or nebulized water jet against the surface as suggested by Talalay and Du Fresne to reactivate the glue on the sheet for bonding.

Art Unit: 1734

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkmeier (US 3,899,385) as applied to claim 1 above, and further in view of Lindstrom et al. (US 4,321,103). Brinkmeier does not disclose an apparatus which includes alternate lifting and lowering means for the suction drum. Lindstrom et al. discloses a labeling apparatus which includes means for alternately lifting and lowering the label applying roller in synchronism with the passage of articles thereunder (column 5, lines 35-39). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the suction drum means of Brinkmeier to be equipped with means for alternately lifting and lowering the drum as suggested by Lindstrom et al. to allow for application of the cut sheet segments to be synchronized with the passage of articles underneath the suction drum.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkmeier (US 3899,385) as applied to claim 3 above, and further in view of Jue (US 4,432,830). Brinkmeier does not disclose the sheet material as having a two layers and a winding roller for detaching the second layer from the first layer which contains the adhesive. It is well known and conventional in the labeling apparatus art, as disclosed by Jue (Figures 4 and 5, take-up reel 12), to provide adhesively coated labels with a backing strip to protect the adhesive layer until the time of application and to provide the labeling apparatus with a take-up roller to remove the backing strip prior to the application of the labels. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Brinkmeier to provide adhesively coated labels with a backing strip to protect the adhesive layer until the time of application and to

Art Unit: 1734

provide the labeling apparatus with a take-up roller as suggested by Jue to remove the backing strip prior to the application of the labels.

10. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkmeier (US 3,899,385) as applied to claim 1 above, and further in view of Miyajima et al. (US 6,321,813), Farfaglia et al. (US 3,847,540), and Sbrana (US 5,972,151). Brinkmeier does not disclose means for heating the article prior to applying the sheet. It is well known and conventional in the bonding apparatus art, as disclosed by Miyajima et al. (column 3, lines 27-29; column 4, lines 33-37), Farfaglia et al. (Figure 3), Sbrana (Figure 2), to heat a substrate with either a flow of hot air or a radiating heating device to facilitate bonding. It is well known and conventional in the labeling apparatus art, as disclosed by Heuser et al. (column 8, lines 59-66), that pressure-sensitive adhesive, solvent-activated adhesive, thermal-activated adhesives, and water-activated adhesives are often functionally equivalent. When utilizing the apparatus of Brinkmeier to apply sheet segments containing thermally-activated glue, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Brinkmeier to include means for heating the article prior to applying the sheet to reactivate the glue on the sheet thereby effecting bonding.



Art Unit: 1734

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl N. Hawkins whose telephone number is (703) 306-0941. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where the application or proceeding is assigned is (703) 872-9310 for regular communications or (703) 872-9311 for After-Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

Cheryl N. Hawkins

*Cheryl N. Hawkins 2/24/03*

February 24, 2003



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